

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF DELAWARE

JOHN H. BENGE, JR.,)
)
 Petitioner,)
)
 v.) Civil Action No. 08-78-GMS
)
 MICHAEL DELOY,)
 Warden, and ATTORNEY)
 GENERAL OF THE STATE)
 OF DELAWARE,)
)
 Respondents.)

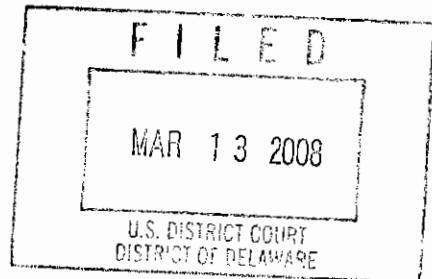
AEDPA ELECTION FORM

1.

I wish the court to rule on my § 2254 petition as currently pending. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this petition will be my one opportunity to seek federal habeas corpus relief.

2. _____

I wish to amend my § 2254 petition to include all the grounds I have. I will do so within thirty (30) days. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this amended all-inclusive petition will be my one opportunity to seek federal habeas corpus relief.

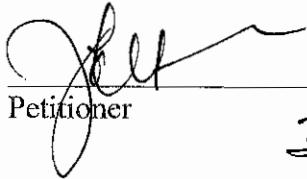


3. _____

I wish to withdraw my § 2254 petition without prejudice to file one all-inclusive petition in the future; that is, one that raises all the grounds I have for federal habeas corpus relief. I realize this all-inclusive petition must be filed within the one-year period as defined by 28 U.S.C. § 2244(d). *See Swartz v. Meyers*, 204 F.3d 417 (3d Cir. 2000).

4. _____

I am not seeking federal habeas corpus relief under § 2254. I am instead seeking relief under _____.



Petitioner 3-10-08

**28 U.S.C. §1746 DECLARATION OF SERVICE AND FILING BY
DEPOSIT OF PLEADING IN PRISONER MAIL SYSTEM**

COMES NOW, JOHN H. BENGE, JR., who makes the following declaration pursuant to 28 U.S.C. §1746:

1. That he is currently incarcerated at Sussex Correctional Institution, Georgetown, DE, a facility of the Delaware Department of Correction; and
2. That on March 10, 2008 he deposited in the internal mailing system maintained by Sussex Correctional Institution for the deposit of prisoner mail the "AEDPA Election Form" attached hereto;
3. That first class postage therefor was prepaid and the aforesaid document(s) was/were addressed to:

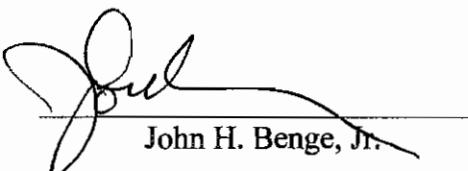
Clerk of the Court
United States District Court
United States Courthouse
844 North King Street
Lockbox 18
Wilmington, DE 19947

and

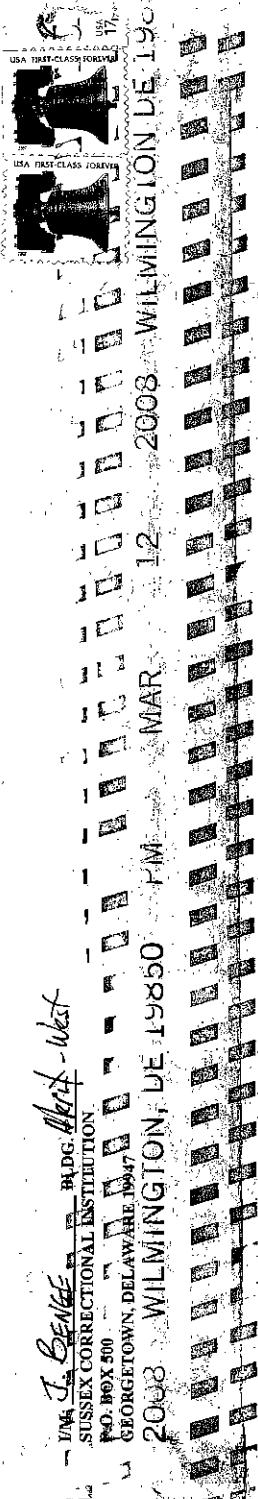
Thomas E. Brown, Esq.
Deputy Attorney General Assembly
Delaware Department of Justice
840 North French Street
Wilmington, DE 19801

I hereby certify under penalty of the laws of the United States of America that the foregoing is true and correct.

Executed on: March 10, 2008



John H. Benge, Jr.



MAILED 12 2008 WILMINGTON DE 19850

MAR 12 2008

PM

SUSSEX CORRECTIONAL INSTITUTION
P.O. BOX 500
GEORGETOWN, DELAWARE 19941

2008

CLERK OF THE COURT
UNITED STATES DISTRICT COURT
UNITED STATES COURT HOUSE
844 NORTH KING STREET
WILMINGTON, DE

19801



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